

DATE: August 3, 1995

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SUBJECT: Water - Procedure - Enforcement - Emergency Orders in Response to Inadequate  
Residential Water Service

From Time to time and especially during summer months, OWP is faced with the problem of a waterworks producing inadequate supplies of drinking water due to a poor well becoming stressed during dry weather, a ruptured distribution system, or another cause. When such a system is incapable of reliably providing residential customers with water for drinking, preparing food, bathing, washing, flushing toilets, and other activities involving basic sanitary and healthful conditions, an emergency may develop that calls for a regulatory response.

When such a situation develops, the field office personnel involved should discuss the matter with DWSE personnel in Richmond. Useful information to have for such a discussion would include: i) the nature of the problem, e.g., inadequate groundwater source, distribution system rupture, etc.; ii) the substance of any complaints received, such as the length and frequency of any outages; iii) the likelihood of any short-term solution, such as trucking water in from another source, emergency repairs, etc.; iv) any known or suspected health threats; v) whether any other public official (elected or not) has been advised of the situation; vi) the level of cooperation from the owner; and vii) any other relevant information.

In extreme cases where water outages appear as though they will continue and the owner is uncooperative, the appropriate response may be issuance of an emergency order from the State Health Commissioner. Section 32.1-13 of the *Code of Virginia* provides for orders "to meet any emergency ... for the purpose of suppressing nuisances dangerous to the public health ... and other dangers to the public life and health. Such an order may call for trucking water in from another source, making certain repairs, or other specified actions. The compliance section of DWSE can draft an order for the Commissioner to consider. If the Commissioner chooses to issue an order, it would then be mailed by certified mail, served upon, or personally delivered to the owner. In the event that the owner does not comply with the requirements of the order, the State Board of Health will have exhausted its administrative remedy and important groundwork will have been laid for pursuing an injunction in circuit court.